

**REMARKS**

**New claims.** New claims 9-14 have been added to more specifically claim the invention.

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New independent claim 9 merely makes explicit what is already implicit in claim 1 and is disclosed throughout the application. As compared with claim 1, it is limited in that the two transmitting steps are "from a first computer" and is further limited in that the "further computer" is not the same as the first computer.

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New independent claim 10 is based upon claim 1, but is limited in that the two transmitting steps are "from a first computer" and is further limited in that the "further computer" is not the same as the first computer and the further computer is "tested."

15 The subject matter of claims 9 to 14 is disclosed in the description, e.g. on page 7, lines 18-23 and on page 8, lines 6-17.

Claim 1 states that the several computers executing the plugin transmit data for monitoring purposes to a further computer. The wording of claim 1 might be construed to  
20 implu that this further computer is not one of the computers previously mentioned, i.e. not the central system 5, and not the probe computers 11.1, 11.2, 11.3. New independent claims 9 and 10 have been presented which interpret "further computer" as being the central system 5, and which make explicit the distinction of the further computer from the other computers.

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The difference of the three types of computers (central server / probes /target computer being monitored) from the prior art is explained in our response to the previous office action (response filed May 12, 2004).

30 The terms "server", "target computer" etc. are used differently in the two cited references

and in the present application, which might lead to confusion. The enclosed figures therefore show the different communication structures, with the terminology of the respective application.

- 5 **Art rejection.** The Examiner has rejected all pending claims, including canceled claim 5, as supposedly obvious over a two-way combination of US Pat. No. 6,421,706 to McNeill et al. ("McNeill") and US Pat. No. 6,529,784 to Cantos et al. ("Cantos").

Combining the teaching of McNeill with Cantos does not lead to the three-level system  
10 according to the invention.

McNeill shows plugins being executed on the remote computers. The plugins are selected by JavaScript code executed by a browser. McNeill does not specify where the plugin comes from, it is merely stated e.g. on col. 10, line 54-56 that the "plugin was provided to  
15 all the remote conference participants".

Cantos does indeed show the monitoring of a number of target computers and the sending of monitoring data, which is the result of the monitoring, back to a control server.

- 20 As the examiner states, combining the teaching of McNeill and Cantos might lead to the plugins transmitting data back to the server. This would be a two-level system, as shown in the enclosed graphs corresponding to McNeill or Cantos.

However, in the claimed invention, (implicitly in claim 1 and explicitly in claims 9 and  
25 10) the data for monitoring purposes is transmitted from the several computers (or probes) to *a further computer* (also called "target system" or "server" being monitored) which is not the same as the first computer (the central system) which sends out the plugins. These data for monitoring are requests according to a protocol already used in normal operation of the further computer, and the responses by the further computer are  
30 analyzed by the probes in order to determine if and how the further computer is

operational.

Importantly, as a result, there is no need to install any monitoring software on the further computer being monitored. This is opposed to the teaching of Cantos, where the  
5 computers being monitored require a plugin, i.e. special monitoring software, to be installed on the same computer. Thus, Cantos leads away from the invention.

New claim 10 states explicitly that the data for monitoring purposes does not refer to data representing the results of monitoring (sent, according to Cantos *from* target computers),  
10 but rather to test data sent *to* the further computer (the target system).

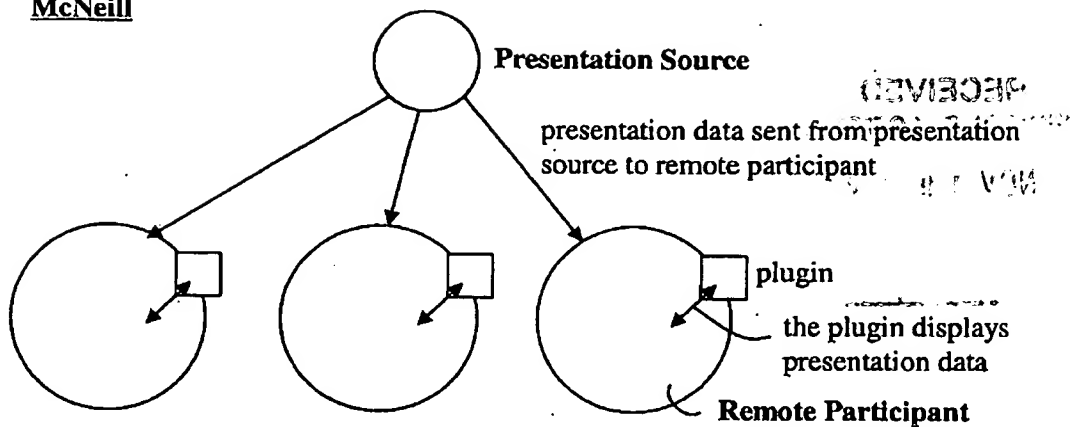
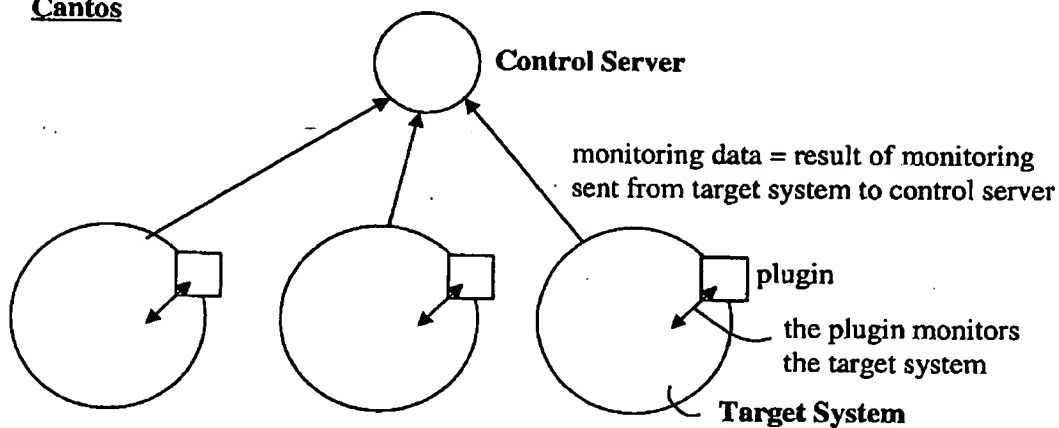
Reconsideration of the rejection of claims 1-8 is requested. Allowance of new claims 9-14 is requested.

15 Respectfully submitted,



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McNeillCantospresent invention